IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2007

CORAM:

THE HON'BLE MR.JUSTICE CHOCKALINGAM

W.P.NOs.11757 ,11907 and 11908 OF 2001
AND
WP.MP.NOS.18173, 18175 and 18176 OF 2007

M.Rajanayagam ...Petr., in W.P.NO.11757 of 2001
M.Ramar ...Petr., in W.P.No.11907 of 2001
C.Jeyaprakash ..Petr., in W.P.No.11908 of 2001

Vs.

1.The State of Tamil Nadu,
rep. by Secretary to Government,
Department of Rural Development,
Fort St.george, Chennai9-9.

2. The Commissioner of Municipal Administration,
Ezhilagam, Chennai-5.

3. The Regional Director,
Municipal Administration,
Race Course Colony, Madurai.

4. The Commissioner,
Sivakasi Municipality,
Sivakasi. ..Respondents

Petitions filed under Article 226 of the Constutition of India praying for the issuance of a writ of Mandamus as stated therein.

For Petitioners: Mr.P.Radhakrishnan

For Respondents: Mr.I.Paranthaman
Additional Government Pleader

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

O R D E R

The petitioners have brought forth these writ petitions seeking to issue a writ of mandamus for a direction directing the respondents to regularise their services and to fix their basic pay at Rs.750/- per month as done in the case of Theni-Allinagaram Municipality vide G.O.No.43 dated 27.4.1993 of the Department of Municipal Administration and Water Supplies and to disburse the differential emoulments arising out of such fixation to the petitioner herein with applicable benefits.

2. Affidavits filed in support of the petitions are perused.

3. The Court heard the learned counsel on either side.

4. The petitioners were appointed as Gang Mazdoor in the Sivakasi Municipality, the fourth respondent by proceedings in Na.Ka.C1 No.6376/84 dated 27.9.1984, Na.Ka.No.C.5401/82 dated 30.6.1982 and Na.Ka.No.U2.No.11916/83 dated 30.12.1983. respectively. Eversince their appointment, there are working continuously, without any break for the past 17 years and also the fourth respondent was maintaining the Service Register and apart from this, the fourth respondent also deducted from their salary towards the Provident Fund Account. They were in service of the Municipality as a regular employees and the basic pay for Gang Mazdoor in the year 1984 was fixed at Rs.450/-. They were appointed as Gang Mazdoor in the year 1984. At the time of their appointment, their basic pay was fixed at Rs.18 per month instead of Rs.450/- per month. They made several representations to the respondents to fix their basic pay at Rs.450/-, but the said representations were not considered and the basic pay remained only at Rs.18 per month.

5. In the year 1983, the first respondent issued a notification providing for regulariation of the employment of temporary employees in Municipalities who have completed 10 years of service and to fix their pay on par with that of the Office Assistants. Further, the basic pay for Gang Mazdoor was increased from Rs.450/- per month to Rs.750/- per month. However, the basic pay of the petitioners has been wrongly fixed at Rs.18 per month and it was not at all re-fixed. Hence, they are eligible to get the revised pay from Rs.450/- in the year 1984 and later at Rs.750/- and thus it has got to be calculated. Under such circumstances the above writ petitions have been brought forth for the relief extracted above.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

6. Learned counsel for the respondent would submit that the proposals which were originally sent by the fourth respondent, the Commissioner, Sivakasi Muniipality is now pending in the hands of the third respondent and they are awaiting for the orders of this Court. Now the proposal has got to be forwarded to the second respondent.

7. After considering the facts and circumstances of the case, this Court is of the considered opinion that since the petitioners are in service for more than two decades , their services have got to be regularised for the said period for fixation of pay.

8. Under such circumstances, it has become necessary to issue a direction to the second respondent to place the recommendation of the fourth respondent before the State,viz., the first respondent herein within a period of four weeks for necessary orders to be passed both on the question of regularization of the service petitioners and also for fixation of pay and the first respondent is also directed to consider the said proposal on being forwarded, as expeditiously as possible, not later than three months there from, since the long delay is noticed.

9. With the above observation, the writ petitions are disposed of . No costs. Consequently, WP.MP.Nos.18173,18175,18176 of 2006 are closed.

Vjy

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government,
Department of Rural Development,
Fort St.George, Chennai9-9.

2. The Commissioner of Municipal Administration,
Ezhilagam, Chennai-5.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

3. The Regional Director,
Municipal Administration,
Race Course Colony, Madurai.

4. The Commissioner,
Sivakasi Municipality,
Sivakasi

+ 3 ccs to Mr. P. Radhakrishnan, Advocate SR No. 55827

VRK(CO)
SR/14.9.2007

W.P.NO.11757, 11908 and 11907 of 2001
AND
Connected M.Ps.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/